

order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review shall be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

(B) **LIMITATION ON COLLATERAL ATTACK.**—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

(5) **ENFORCEMENT OF ORDER BY SECRETARY.**—Whenever any person fails to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief and compensatory damages.

(6) **ENFORCEMENT OF ORDER BY PARTIES.**—

(A) **COMMENCEMENT OF ACTION.**—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

(B) **ATTORNEY FEES.**—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

(c) **MANDAMUS.**—Any nondiscretionary duty imposed under this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

(d) **NONAPPLICABILITY TO DELIBERATE VIOLATIONS.**—Subsection (a) shall not apply with respect to an employee of a motor vehicle manufacturer, part supplier, or dealership who, acting without direction from such motor vehicle manufacturer, part supplier, or dealership (or such person's agent), deliberately causes a violation of any requirement relating to motor vehicle safety under this chapter.

(Added Pub. L. 112-141, div. C, title I, §31307(a), July 6, 2012, 126 Stat. 765.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

#### § 30172. Whistleblower incentives and protections

(a) **DEFINITIONS.**—In this section:

(1) **COVERED ACTION.**—The term “covered action” means any administrative or judicial action, including any related administrative or judicial action, brought by the Secretary or the Attorney General under this chapter that in the aggregate results in monetary sanctions exceeding \$1,000,000.

(2) **MONETARY SANCTIONS.**—The term “monetary sanctions” means monies, including penalties and interest, ordered or agreed to be paid.

(3) **ORIGINAL INFORMATION.**—The term “original information” means information that—

(A) is derived from the independent knowledge or analysis of an individual;

(B) is not known to the Secretary from any other source, unless the individual is the original source of the information; and

(C) is not exclusively derived from an allegation made in a judicial or an administrative action, in a governmental report, a hearing, an audit, or an investigation, or from the news media, unless the individual is a source of the information.

(4) **PART SUPPLIER.**—The term “part supplier” means a manufacturer of motor vehicle equipment.

(5) **SUCCESSFUL RESOLUTION.**—The term “successful resolution”, with respect to a covered action, includes any settlement or adjudication of the covered action.

(6) **WHISTLEBLOWER.**—The term “whistleblower” means any employee or contractor of a motor vehicle manufacturer, part supplier, or dealership who voluntarily provides to the Secretary original information relating to any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter, which is likely to cause unreasonable risk of death or serious physical injury.

(b) **AWARDS.**—

(1) **IN GENERAL.**—If the original information that a whistleblower provided to the Secretary leads to the successful resolution of a covered action, the Secretary, subject to subsection (c), may pay an award or awards to one or more whistleblowers in an aggregate amount of—

(A) not less than 10 percent, in total, of collected monetary sanctions; and

(B) not more than 30 percent, in total, of collected monetary sanctions.

(2) **PAYMENT OF AWARDS.**—Any amount payable under paragraph (1) shall be paid from the monetary sanctions collected, and any monetary sanctions so collected shall be available for such payment.

(c) **DETERMINATION OF AWARDS; DENIAL OF AWARDS.**—

(1) **DETERMINATION OF AWARDS.**—

(A) **DISCRETION.**—The determination of whether, to whom, or in what amount to make an award shall be in the discretion of the Secretary subject to the provisions in subsection (b)(1).

(B) **CRITERIA.**—In determining an award made under subsection (b), the Secretary shall take into consideration—

(i) if appropriate, whether a whistleblower reported or attempted to report the information internally to an applicable motor vehicle manufacturer, part supplier, or dealership;

(ii) the significance of the original information provided by the whistleblower to the successful resolution of the covered action;

(iii) the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in the covered action; and

(iv) such additional factors as the Secretary considers relevant.

(2) DENIAL OF AWARDS.—No award under subsection (b) shall be made—

(A) to any whistleblower who is convicted of a criminal violation related to the covered action for which the whistleblower otherwise could receive an award under this section;

(B) to any whistleblower who, acting without direction from an applicable motor vehicle manufacturer, part supplier, or dealership, or agent thereof, deliberately causes or substantially contributes to the alleged violation of a requirement of this chapter;

(C) to any whistleblower who submits information to the Secretary that is based on the facts underlying the covered action submitted previously by another whistleblower;

(D) to any whistleblower who fails to provide the original information to the Secretary in such form as the Secretary may require by regulation; or

(E) if the applicable motor vehicle manufacturer, parts supplier, or dealership has an internal reporting mechanism in place to protect employees from retaliation, to any whistleblower who fails to report or attempt to report the information internally through such mechanism, unless—

(i) the whistleblower reasonably believed that such an internal report would have resulted in retaliation, notwithstanding section 30171(a);

(ii) the whistleblower reasonably believed that the information—

(I) was already internally reported;

(II) was already subject to or part of an internal inquiry or investigation; or

(III) was otherwise already known to the motor vehicle manufacturer, part supplier, or dealership; or

(iii) the Secretary has good cause to waive this requirement.

(d) REPRESENTATION.—A whistleblower may be represented by counsel.

(e) NO CONTRACT NECESSARY.—No contract with the Secretary is necessary for any whistleblower to receive an award under subsection (b).

(f) PROTECTION OF WHISTLEBLOWERS; CONFIDENTIALITY.—

(1) IN GENERAL.—Notwithstanding section 30167, and except as provided in paragraphs (4) and (5) of this subsection, the Secretary, and any officer or employee of the Department of Transportation, shall not disclose any information, including information provided by a

whistleblower to the Secretary, which could reasonably be expected to reveal the identity of a whistleblower, except in accordance with the provisions of section 552a of title 5, unless—

(A) required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Secretary or any entity described in paragraph (5);

(B) the whistleblower provides prior written consent for the information to be disclosed; or

(C) the Secretary, or other officer or employee of the Department of Transportation, receives the information through another source, such as during an inspection or investigation under section 30166, and has authority under other law to release the information.

(2) REDACTION.—The Secretary, and any officer or employee of the Department of Transportation, shall take reasonable measures to not reveal the identity of the whistleblower when disclosing any information under paragraph (1).

(3) SECTION 552(B)(3)(B).—For purposes of section 552 of title 5, paragraph (1) of this subsection shall be considered a statute described in subsection (b)(3)(B) of that section.

(4) EFFECT.—Nothing in this subsection is intended to limit the ability of the Attorney General to present such evidence to a grand jury or to share such evidence with potential witnesses or defendants in the course of an ongoing criminal investigation.

(5) AVAILABILITY TO GOVERNMENT AGENCIES.—

(A) IN GENERAL.—Without the loss of its status as confidential in the hands of the Secretary, all information referred to in paragraph (1) may, in the discretion of the Secretary, when determined by the Secretary to be necessary or appropriate to accomplish the purposes of this chapter and in accordance with subparagraph (B), be made available to the following:

(i) The Department of Justice.

(ii) An appropriate department or agency of the Federal Government, acting within the scope of its jurisdiction.

(B) MAINTENANCE OF INFORMATION.—Each entity described in subparagraph (A) shall maintain information described in that subparagraph as confidential, in accordance with the requirements in paragraph (1).

(g) PROVISION OF FALSE INFORMATION.—A whistleblower who knowingly and intentionally makes any false, fictitious, or fraudulent statement or representation, or who makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall not be entitled to an award under this section and shall be subject to prosecution under section 1001 of title 18.

(h) APPEALS.—

(1) IN GENERAL.—Any determination made under this section, including whether, to whom, or in what amount to make an award, shall be in the discretion of the Secretary.

(2) APPEALS.—Any determination made by the Secretary under this section may be ap-

pealed by a whistleblower to the appropriate court of appeals of the United States not later than 30 days after the determination is issued by the Secretary.

(3) REVIEW.—The court shall review the determination made by the Secretary in accordance with section 706 of title 5.

(i) REGULATION.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations on the requirements of this section, consistent with this section.

(Added Pub. L. 114-94, div. B, title XXIV, § 24352(a), Dec. 4, 2015, 129 Stat. 1716.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (i), is the date of enactment of Pub. L. 114-94, which was approved Dec. 4, 2015.

#### Statutory Notes and Related Subsidiaries

##### RULE OF CONSTRUCTION

Pub. L. 114-94, div. B, title XXIV, § 24352(b), Dec. 4, 2015, 129 Stat. 1720, provided that:

“(1) ORIGINAL INFORMATION.—Information submitted to the Secretary of Transportation by a whistleblower in accordance with the requirements of section 30172 of title 49, United States Code, shall not lose its status as original information solely because the whistleblower submitted the information prior to the effective date of the regulations issued under subsection (i) of that section if that information was submitted after the date of enactment of this Act [Dec. 4, 2015].

“(2) AWARDS.—A whistleblower may receive an award under section 30172 of title 49, United States Code, regardless of whether the violation underlying the covered action occurred prior to the date of enactment of this Act, and may receive an award prior to the Secretary of Transportation promulgating the regulations under subsection (i) of that section.”

#### SUBCHAPTER V—MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT

##### § 30181. Policy

The Secretary of Transportation shall conduct research, development, and testing on any area or aspect of motor vehicle safety necessary to carry out this chapter.

(Added Pub. L. 112-141, div. C, title I, § 31204(a), July 6, 2012, 126 Stat. 759.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

##### § 30182. Powers and duties

(a) IN GENERAL.—The Secretary of Transportation shall—

(1) conduct motor vehicle safety research, development, and testing programs and activities, including activities related to new and emerging technologies that impact or may impact motor vehicle safety;

(2) collect and analyze all types of motor vehicle and highway safety data and related in-

formation to determine the relationship between motor vehicle or motor vehicle equipment performance characteristics and—

(A) accidents involving motor vehicles; and

(B) deaths or personal injuries resulting from those accidents.

(b) ACTIVITIES.—In carrying out a program under this section, the Secretary of Transportation may—

(1) promote, support, and advance the education and training of motor vehicle safety staff of the National Highway Traffic Safety Administration in motor vehicle safety research programs and activities, including using program funds for planning, implementing, conducting, and presenting results of program activities, and for related expenses;

(2) obtain experimental and other motor vehicles and motor vehicle equipment for research or testing;

(3)(A) use any test motor vehicles and motor vehicle equipment suitable for continued use, as determined by the Secretary to assist in carrying out this chapter or any other chapter of this title; or

(B) sell or otherwise dispose of test motor vehicles and motor vehicle equipment and use the resulting proceeds to carry out this chapter;

(4) award grants to States and local governments, interstate authorities, and nonprofit institutions;

(5) enter into cooperative agreements, collaborative research, or contracts with Federal agencies, interstate authorities, State and local governments, other public entities, private organizations and persons, nonprofit institutions, colleges and universities, consumer advocacy groups, corporations, partnerships, sole proprietorships, trade associations, Federal laboratories (including government-owned, government-operated laboratories and government-owned, contractor-operated laboratories), and research organizations; and

(6) in coordination with Department<sup>1</sup> of State, enter into cooperative agreements and collaborative research and development agreements with foreign governments.

(c) USE OF PUBLIC AGENCIES.—In carrying out this subchapter, the Secretary shall avoid duplication by using the services, research, and testing facilities of public agencies, as appropriate.

(d) FACILITIES.—The Secretary may plan, design, and construct a new facility or modify an existing facility to conduct research, development, and testing in traffic safety, highway safety, and motor vehicle safety. An expenditure of more than \$1,500,000 for planning, design, or construction may be made only if 60 days prior notice of the planning, design, or construction is provided to the Committees on Science, Space, and Technology and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate. The notice shall include—

(1) a brief description of the facility being planned, designed, or constructed;

<sup>1</sup> So in original. Probably should be preceded by “the”.